

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC-2017-0032; Docket No. PRM-170-7; NRC-2018-0172]

RIN 3150-AJ99

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended (OBRA-90), which requires the NRC to recover approximately 90 percent of its annual budget through fees less certain amounts excluded from this fee-recovery requirement. President Trump signed the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 on September 21, 2018. That Act appropriated approximately \$911.0 million to the NRC, which is a decrease of approximately \$11.0 million from FY 2018. Based on that total budget authority, the NRC is proposing to collect \$781.9 million in fees in FY 2019.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date. Because OBRA-90 requires the NRC to collect the FY 2019 fees by September 30, 2019, the NRC will not grant any requests for an extension of the comment period.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2017-0032**. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this proposed rule.

- **E-mail comments to:** Rulemaking.Comments@nrc.gov. If you do not receive an automatic e-mail reply confirming receipt, then contact us at 301-415-1677.

- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- **Hand deliver comments to:** 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Michele Kaplan, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-5256; e-mail: Michele.Kaplan@nrc.gov.

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS:

- I. Obtaining Information and Submitting Comments
- II. Background; Statutory Authority
- III. Specific Request for Comment: Petition for Rulemaking
- IV. Discussion
- V. Regulatory Flexibility Certification
- VI. Regulatory Analysis
- VII. Backfitting and Issue Finality
- VIII. Plain Writing
- IX. National Environmental Policy Act
- X. Paperwork Reduction Act
Public Protection Notification
- XI. Voluntary Consensus Standards
- XII. Availability of Guidance
- XIII. Public Meeting
- XIV. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID **NRC-2017-0032** when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2017-0032**.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are also provided in a table in the "Availability of Documents" section of this document.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID **NRC-2017-0032** in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission publicly available in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submissions. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background; Statutory Authority

The NRC's fee regulations are primarily governed by two laws: 1) the Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701), and 2) OBRA-90 (42 U.S.C. 2214). The IOAA generally authorizes and encourages Federal regulatory agencies to recover—to the fullest extent possible—costs attributable to services provided to identifiable recipients. The OBRA-90 requires the NRC to recover approximately 90 percent of its budget authority for the fiscal year through fees; in FY 2019, amounts appropriated for the development of regulatory infrastructure for advanced reactor technologies, international activities, Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board are excluded from this fee-recovery requirement. The OBRA-90 first requires the NRC to use its IOAA authority to collect service fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, and special projects). The regulations at part 170 of title 10 of the *Code of Federal Regulations* (10 CFR) authorize these fees. But, because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority for the fiscal year, the NRC also assesses "annual fees" under 10 CFR part 171 to recover the remaining amount necessary to

meet OBRA-90's fee-recovery requirement. These annual fees recover costs that are not otherwise collected through 10 CFR part 170.

III. Specific Request for Comment: Petition for Rulemaking (PRM-170-7; NRC-2018-0172)

The NRC welcomes general comments on this proposed rule; in addition, the NRC is requesting public comment on the issues raised in a petition for rulemaking (ADAMS Accession No. ML18214A757), dated July 3, 2018, which was submitted to the NRC by Christopher S. Pugsley, Esq. (the petitioner), on behalf of Water Remediation Technology (WRT), LLC. The petitioner requests that the NRC amend its regulations regarding full cost recovery of licensee fees. The petition was docketed by the NRC on August 2, 2018, and was assigned Docket No. PRM-170-7. The NRC published a notice of docketing in the *Federal Register* on November 2, 2018 (83 FR 55113), but did not request public comment at that time. Please include Docket ID **NRC-2018-0172** in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission publicly available in the petition's docket. You may submit comments on this petition using the methods listed in the ADDRESSES section of this document.

The petitioner requests that the NRC amend its regulations to re-categorize WRT as a licensee that does not require full-cost recovery for fees billed to it during the life of its license under 10 CFR part 170. The petitioner also requests that the NRC address consistency issues between 10 CFR parts 170 and 171 for small entities, and consider amending language under § 170.11 to extend the time within which a licensee may appeal the assessment of fees and apply for a fee exemption. The petitioner has asked the NRC to consider these rule changes within the context of its rulemaking to amend

10 CFR parts 170 and 171 to collect FY 2019 fees. See the FY 2019 Policy Change section of this document for additional information.

IV. Discussion

FY 2019 Fee Collection — Overview

The NRC is issuing this FY 2019 proposed fee rule based on the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Pub. L. 155-244) (enacted budget). The total enacted budget for the NRC in FY 2019 is approximately \$911.0 million, a decrease of approximately \$11.0 million from FY 2018. As explained previously, certain portions of the NRC's total budget are excluded from OBRA-90's fee-recovery requirement. Based on the FY 2019 enacted budget, these exclusions total to \$43.4 million, consisting of \$16.1 million for international activities, \$10.3 million for advanced reactor technologies regulatory infrastructure, \$1.3 million for Waste Incidental to Reprocessing activities, \$1.1 million for Inspector General services for the Defense Nuclear Facilities Safety Board, and \$14.6 million for generic homeland security activities. Additionally, OBRA-90 requires the NRC to recover only approximately 90 percent of the remaining budget authority for the fiscal year—10 percent of the remaining budget authority is not recovered through fees. The NRC refers to the activities included in this 10-percent as “fee-relief” activities. After accounting for the fee-recovery exclusions, the fee-relief activities, and net billing adjustments (i.e., the sum of unpaid current year invoices (estimated) minus payments for prior year invoices), the NRC must bill approximately \$781.9 million in fees in FY 2019. Of this amount, the NRC estimates that \$246.7 million will be recovered through 10 CFR part 170 service fees; that leaves approximately \$535.2 million to be recovered through 10 CFR part 171 annual fees. Table I summarizes the fee-recovery

amounts for the FY 2019 proposed fee rule using the enacted budget, and taking into account excluded activities, fee-relief activities, and net billing adjustments. For all information presented in the following tables, individual values may not sum to totals due to rounding. Please see the work papers (ADAMS Accession No. ML18361A780) for actual amounts.

TABLE I. BUDGET AND FEE RECOVERY AMOUNTS¹

[Dollars in millions]

	FY 2018 Final Rule	FY 2019 Proposed Rule	Percentage Change
Total Budget Authority	\$922.0	\$911.0	-1.2
Less Excluded Fee Items	-43.8	-43.4	-0.9
Balance	878.2	867.6	-1.2
Fee Recovery Percent	90	90	0.0
Total Amount to be Recovered:	790.4	780.8	-1.2
Adjustment USAID Rescission ²	-0.1	0.0	100.0
Total Amount to be Recovered Post USAID:	790.3	780.8	-1.2
10 CFR Part 171 Billing Adjustments:			
Unpaid Current Year Invoices (estimated)	6.5	3.9	-40.0
Less Payments Received in Current Year for Previous Year Invoices (estimated)	-7.5	-2.8	-62.7
Subtotal	-1.0	1.1	210.0
Amount to be Recovered through 10 CFR Parts 170 and 171 Fees	789.3	781.9	-0.9
Less Estimated 10 CFR Part 170 Fees	-280.8	-246.7	-12.1

¹ For each table, numbers may not add due to rounding.

² The adjustment to the NRC's FY 2018 fee recovery amount associated with the USAID rescission is shown in Table 1. Because the USAID rescission amount was approximately \$0.1 million in FY 2018, the proportion of the USAID rescission applicable to each fee class is not shown in the accompanying tables for each fee class. In FY 2019, USAID was not included as part of the appropriation.

10 CFR Part 171 Fee Collections Required	\$508.5	\$535.2	5.3
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FY 2019 Fee Collection — Professional Hourly Rate

The NRC uses a professional hourly rate to assess fees for specific services provided by the NRC under 10 CFR part 170. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate would be applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's professional hourly rate is derived by adding budgeted resources for: 1) mission-direct program salaries and benefits; 2) mission-indirect program support; and 3) agency support (corporate support and the Inspector General), and then subtracting certain offsetting receipts, and then dividing this total by the mission-direct full-time equivalents (FTE) converted to hours. The mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours. The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are generally billed to licensees separately. The following shows the professional hourly rate calculation:

$$\frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\text{Professional Hourly Rate}}{\text{1,810 x 1,510}} = \$278$$

For FY 2019, the NRC is proposing to increase the professional hourly rate from \$275 to \$278. The 1.1 percent increase in the FY 2019 professional hourly rate is due primarily to the decline in the number of mission-direct FTE compared to FY 2018, offset

by the slight decrease in total budgeted resources. The number of mission-direct FTE declined by 41, primarily due to the standardization and centralization of mission support functions within the programmatic offices, and the transition of Wyoming to status as an Agreement State. The FY 2019 estimate for annual mission-direct FTE productive hours is 1,510 hours, which is unchanged from FY 2018. This estimate, also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This estimate therefore excludes hours charged to annual leave, sick leave, holidays, training, and general administration tasks. Table II shows the professional hourly rate calculation methodology. The FY 2018 amounts are provided for comparison purposes.

TABLE II. PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2018 Final Rule	FY 2019 Proposed Rule	Percentage Change
Mission-Direct Program Salaries & Benefits	\$325.7	\$334.7	2.8
Mission-Indirect Program Support	\$135.0	\$120.6	-10.7
Agency Support (Corporate Support and the Inspector General)	\$308.1	\$304.5	-1.2
Subtotal	\$768.8	\$759.8	-1.2
Less Offsetting Receipts ³	\$0.0	\$0.0	0.0
Total Budgeted Resources Included in Professional Hourly Rate	\$768.8	\$759.8	-1.2

³ The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in the Office of Management and Budget (OMB) Circular A-25, *User Charges*. The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research & Test Reactors products within the Operating Reactors business line.

Mission-Direct FTE (Whole numbers)	1,851	1,810	-2.2
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,510	1,510	0.0
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours) (Whole numbers)	2,795,010	2,733,100	-2.2
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	\$275	\$278	1.1

FY 2019 Fee Collection — Flat Application Fee Changes

The NRC proposes to amend the flat application fees that it charges to applicants for materials licenses and other regulatory services, and holders of materials licenses in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised professional hourly rate of \$278. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the proposed professional hourly rate for FY 2019. The NRC analyzes the actual hours spent performing licensing actions and then estimates the average professional staff hours that are needed to process licensing actions as part of its biennial review of fees, which is required by Section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review in FY 2019 and will perform this review again in FY 2021. The biennial review adjustments and the higher professional hourly rate of \$278 are the primary reasons for the increase in application fees. Please see the work papers for more detail.

The NRC rounds these flat fees in such a way that ensures both convenience for its stakeholders and that any rounding effects are minimal. Accordingly, fees under \$1,000 are rounded to the nearest \$10, fees between \$1,000 and \$100,000 are rounded to the nearest \$100, and fees greater than \$100,000 are rounded to the nearest \$1,000.

The proposed licensing flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Because the enacted budget excludes international activities from the fee-recoverable budget, the NRC is not proposing to charge flat fees for import and export licensing actions of § 170.21. Applications filed on or after the effective date of the FY 2019 final fee rule will be subject to the revised fees in the final rule.

FY 2019 Fee Collection — Fee-Relief and Low-Level Waste (LLW) Surcharge

As previously noted, OBRA-90 requires the NRC to recover only approximately 90 percent of its annual budget authority for the fiscal year. The NRC applies the remaining 10 percent that is not recovered to offset certain budgeted activities—see Table III for a full listing of these “fee-relief” activities. If the amount budgeted for these fee-relief activities is greater or less than 10 percent of the NRC’s annual budget authority (less the fee-recovery exclusions), then the NRC applies a fee adjustment (either an increase or decrease) to all licensees’ annual fees, based on their percentage share of the NRC’s budget.

In FY 2019, the amount budgeted for fee-relief activities is less than the 10 percent threshold. Therefore, the NRC proposes to assess a fee-relief credit that decreases all licensees’ annual fees based on their percentage share of the budget. Table III summarizes the fee-relief activities budgeted for FY 2019. The FY 2018 amounts are provided for comparison purposes.

TABLE III. FEE-RELIEF ACTIVITIES

[Dollars in millions]

Fee-Relief Activities	FY 2018 Budgeted Resources Final Rule	FY 2019 Budgeted Resources Proposed Rule	Percentage Change
1. Activities not attributable to an existing NRC licensee or class of licensees:			
a. Agreement State oversight	\$13.5	\$11.5	-14.8
b. Scholarships and Fellowships	15.0	15.0	0.0
c. Medical Isotope Production Infrastructure	3.9	5.0	28.2
2. Activities not assessed under 10 CFR part 170 service fees or 10 CFR part 171 annual fees based on existing law or Commission policy:			
a. Fee exemption for nonprofit educational institutions	8.7	9.1	4.6
b. Costs not recovered from small entities under 10 CFR 171.16(c)	6.6	8.1	22.7
c. Regulatory support to Agreement States	17.4	14.7	-15.5
d. Generic decommissioning/reclamation (not related to the power reactor and spent fuel storage fee classes)	14.5	13.0	-10.3
e. Uranium recovery program and unregistered general licensees	1.5	7.0	366.7

f. Potential Department of Defense remediation program Memorandum of Understanding activities	1.2	2.1	75.0
g. Non-military radium sites	1.7	1.1	-35.3
Total fee-relief activities	83.9	86.6	3.2
Less 10 percent of the NRC's total FY budget (less the fee recovery exclusions)	-87.8	-86.8	-1.1
Fee-Relief Adjustment to be Allocated to All Licensees' Annual Fees	\$-3.9	\$-0.2	94.9

Table IV shows how the NRC proposes to allocate the \$0.2 million fee-relief credit to each licensee fee class. Due to the transition of Wyoming to Agreement State status, the NRC is proposing to expand the existing fee relief category, "*In situ leach rulemaking and unregistered general licensees*," to include additional uranium recovery program budgeted resources. This ensures the equitability and stability of annual fees for the uranium recovery fee class by recognizing that now the majority of uranium recovery licensees are in Agreement States.

In addition to the fee-relief credit, the NRC also proposes to assess a generic LLW surcharge of \$3.8 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC proposes to allocate this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System. This database contains information on total LLW volumes and NRC usage information from four generator classes: academic, industrial, medical, and utility. The ratio of utility waste volumes to total LLW volumes over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors,

fuel facilities, and materials fee classes. The materials portion is adjusted to account for the fact that a large percentage of materials licensees are licensed by the Agreement States rather than the NRC.

Table IV shows the surcharge, and its proposed allocation across the various fee classes.

**TABLE IV. ALLOCATION OF FEE-RELIEF ADJUSTMENT AND LLW SURCHARGE,
FY 2019**

[Dollars in millions]

	LLW Surcharge		Fee-Relief Adjustment		Total
	Percent	\$	Percent	\$	\$
Operating Power Reactors	74.4	2.8257	86.6	-0.1322	2.6936
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0	4.7	-0.0072	-0.0072
Research and Test Reactors	0.0	0.0	0.2	-0.0003	-0.0003
Fuel Facilities	20.3	0.7708	4.0	-0.0062	0.7646
Materials Users	5.3	0.2012	3.8	-0.0058	0.1955
Transportation	0.0	0.0	0.6	-0.0009	-0.0009
Rare Earth Facilities	0.0	0.0	0.0	0.0	0.0
Uranium Recovery	0.0	0.0	0.1	-0.0002	-0.0002
Total	100.0	3.7978	100.0	-0.1526	3.6451

FY 2019 Fee Collection — Revised Annual Fees

In accordance with SECY-05-0164, “Annual Fee Calculation Method,” dated September 15, 2005 (ADAMS Accession No. ML052580332), the NRC rebaselines its annual fees every year. “Rebaselining” entails analyzing the budget in detail and then

allocating the budgeted costs to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC proposes to revise its annual fees in §§ 171.15 and 171.16 to recover approximately 90 percent of the NRC's FY 2019 enacted budget (less the fee-recovery exclusions and the estimated amount to be recovered through 10 CFR part 170 fees). The estimated 10 CFR part 170 collections for this proposed rule are \$246.7 million, a decrease of \$34.1 million from the FY 2018 fee rule (see the specific fee class sections for a discussion of this decrease). The NRC, therefore, proposes to recover \$535.2 million through annual fees from its licensees, which is an increase of \$26.7 million from the FY 2018 final rule.

Table V shows the proposed rebaselined fees for FY 2019 for a representative list of categories of licensees. The FY 2018 amounts are provided for comparison purposes.

TABLE V. REBASELINED ANNUAL FEES

Class/Category of Licenses	FY 2018 Final Annual Fee	FY 2019 Proposed Annual Fee	Percentage Change
Operating Power Reactors	\$4,333,000	\$4,697,000	8.4
+ Spent Fuel Storage/Reactor Decommissioning	198,000	163,000	-17.7
Total, Combined Fee	\$4,531,000	\$4,860,000	7.3
Spent Fuel Storage/Reactor Decommissioning	\$198,000	\$163,000	-17.7
Research and Test Reactors (Non-power Reactors)	\$81,300	\$79,000	-2.8
High Enriched Uranium Fuel Facility	\$7,346,000	\$6,679,000	-9.1
Low Enriched Uranium Fuel Facility	\$2,661,000	\$2,263,000	-15.0

UF ₆ Conversion and Deconversion Facility	\$1,517,000	\$1,418,000	-6.5
Basic <i>In Situ</i> Recovery Facilities (Category 2.A.(2)(b))	\$49,200	\$49,200	0.0
Typical Materials Users: Radiographers (Category 3O)	\$25,000	\$30,200	20.8
Well Loggers (Category 5A)	\$14,900	\$14,600	-2.0
All Other Specific Byproduct Material Licensees (Category 3P)	\$8,600	\$10,000	16.3
Broad Scope Medical (Category 7B)	\$30,900	\$31,800	2.9

The work papers that support this proposed rule show in detail how the NRC proposes to allocate the budgeted resources for each class of licensees and calculate the fees.

Paragraphs a. through h. of this section describe budgeted resources allocated to each class of licensees and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers.

a. Operating Power Reactors

The NRC proposes to collect \$460.3 million in annual fees from the power reactor fee class in FY 2019, as shown in Table VI. The FY 2018 fees and percentage change are shown for comparison purposes.

**TABLE VI. ANNUAL FEE SUMMARY CALCULATIONS FOR
OPERATING POWER REACTORS
[Dollars in millions]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
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Total budgeted resources	\$669.9	\$670.2	0.0
Less estimated 10 CFR part 170 receipts	-239.6	-213.8	-10.8
Net 10 CFR part 171 resources	430.4	456.4	6.0
Allocated generic transportation	0.3	0.3	0.0
Fee-relief adjustment/LLW surcharge	-0.8	2.7	437.5
Billing adjustment	-0.9	1.0	211.1
Total required annual fee recovery	428.9	460.3	7.3
Total operating reactors	99	98	1.0
Annual fee per reactor	\$4.333	\$4.697	8.4

In comparison to FY 2018, the operating power reactors budgeted resources increased minimally in FY 2019. But estimated billings under 10 CFR part 170 declined primarily due to decreases in both licensing actions and inspections resulting from the shutdown of the Oyster Creek reactor at the end of FY 2018, the planned shutdown of Pilgrim and Three Mile Island reactors during FY 2019, and the completion of the APR1400 design certification for Korea Hydro and Nuclear Power Co., LTD. Additionally, estimated billings under 10 CFR part 170 are expected to decline due to the replacement of the 6 percent automatic overhead charge for project manager, resident inspector, and senior resident inspector activities with new directly billed docket-related cost activity codes.

The recoverable budgeted costs are divided equally among the 98 licensed power reactors, resulting in a proposed annual fee of \$4,697,000 per reactor. Additionally, each licensed power reactor is assessed the FY 2019 spent fuel storage/reactor decommissioning proposed annual fee of \$163,000 (see Table VII and

the discussion that follows). The combined proposed FY 2019 annual fee for power reactors is, therefore, \$4,860,000.

On May 24, 2016, the NRC amended its licensing, inspection, and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMRs). Under the variable annual fee structure, effective June 23, 2016, an SMR's annual fee would be calculated as a function of its licensed thermal power rating. Currently, there are no operating SMRs; therefore, the NRC is not proposing an annual fee in FY 2019 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC proposes to collect \$19.9 million in annual fees from 10 CFR part 50 power reactors, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license, to collect the budgeted costs for the spent fuel storage/reactor decommissioning fee class.

TABLE VII. ANNUAL FEE SUMMARY CALCULATIONS FOR THE SPENT FUEL STORAGE/REACTOR DECOMMISSIONING FEE CLASS

[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total budgeted resources	\$33.8	\$35.6	5.3
Less estimated 10 CFR part 170 receipts	-10.2	-16.5	61.8
Net 10 CFR part 171 resources	23.7	19.1	-19.4
Allocated generic transportation costs	0.7	0.7	0.0
Fee-relief adjustment	-0.2	0.0	-100
Billing adjustments	0.0	0.1	100
Total required annual fee recovery	24.2	19.9	-17.8

Total spent fuel storage facilities	122	122	0.0
Annual fee per facility	\$0.198	\$0.163	-17.7

Compared to FY 2018, the FY 2019 budgeted resources for spent fuel storage/reactor decommissioning increased due to: 1) an increase in the number of financial reviews and licensing actions associated with operating power reactors undergoing decommissioning, 2) the ongoing licensing reviews for two consolidated Interim storage facility license applications including the development of environmental impact statements, and 3) the independent spent fuel storage installation license renewal for Three Mile Island-2, Trojan, and Rancho Seco and the associated environmental assessments.

The 10 CFR part 170 estimated billings for FY 2019 increased due to 1) resuming licensing work on Interim Storage Partner's consolidated interim storage facility application, 2) increasing work on Holtec International's consolidated interim storage facility application, and 3) an increased workload for reactors in decommissioning.

The annual fee decreased due to rising 10 CFR part 170 estimated billings. The required annual fee recovery amount is divided equally among 122 licensees, resulting in a proposed FY 2019 annual fee of \$163,000 per licensee.

c. Fuel Facilities

The NRC proposes to collect \$24.8 million in annual fees from the fuel facilities class.

TABLE VIII. ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total budgeted resources	\$35.2	\$30.0	-14.8
Less estimated 10 CFR part 170 receipts	-9.2	-7.2	-21.7
Net 10 CFR part 171 resources	26.0	22.8	-12.3
Allocated generic transportation	1.3	1.3	0.0
Fee-relief adjustment/LLW surcharge	0.5	0.8	60.0
Billing adjustments	0.0	0.0	0.0
Total remaining required annual fee recovery ⁴	\$27.7	\$24.8	-10.5

In comparison to FY 2018, the fuel facilities budgeted resources decreased in FY 2019, primarily due to aligning resources with a smaller projected workload.

The estimated 10 CFR part 170 collections decreased in FY 2019 as a result of the expected termination of the CB&I AREVA MOX Fuel Fabrication facility construction authorization and license application withdrawal, and the expected completion of Honeywell's license renewal, offset by increased work for Westinghouse associated with an emergency preparedness exercise, confirmatory order items and its license renewal.

The NRC proposes to continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in Table IX). The annual fees are then distributed across the fee class based on the regulatory effort predicted by the matrix.

⁴ See Table X for percentage change for each fee category.

**TABLE IX. EFFORT FACTORS FOR FUEL FACILITIES,
FY 2019**

Facility Type (fee category)	Number of Facilities	Effort Factors (percent of total)	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	0	0	0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	21	23
UF ₆ Conversion and Deconversion (2.A.(1))	1	12	7

In FY 2019, the total remaining required annual fee recovery amount of \$24.8 million is comprised of safety activities, safeguards activities and the fee-relief adjustment/LLW surcharge. For FY 2019, the total budgeted resources to be recovered as annual fees for safety activities are \$13.7 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percent of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources to be recovered as annual fees for safeguards activities, \$10.3 million, to each fee category based on its percent of the total regulatory effort for safeguards activities. Finally, the fuel facility fee class' portion of the fee-relief adjustment/LLW surcharge—\$0.8 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table X.

TABLE X. ANNUAL FEES FOR FUEL FACILITIES

Facility Type (fee category)	FY 2018 Final Annual Fee	FY 2019 Proposed Annual Fee	Percentage Change
High-Enriched Uranium Fuel (1.A.(1)(a))	\$7,346,000	\$6,679,000	-9.1
Low-Enriched Uranium Fuel (1.A.(1)(b))	\$2,661,000	\$2,263,000	-15.0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A	N/A
Uranium Enrichment (1.E.)	\$3,513,000	\$3,283,000	-6.5
UF ₆ Conversion and Deconversion (2.A.(1))	\$1,517,000	\$1,418,000	-6.5

d. Uranium Recovery Facilities

The NRC proposes to collect \$0.2 million in annual fees from the uranium recovery facilities fee class, a decrease of 60.0 percent from FY 2018.

**TABLE XI. ANNUAL FEE SUMMARY CALCULATIONS
FOR URANIUM RECOVERY FACILITIES**

[Dollars in millions]

Summary fee calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total budgeted resources	\$13.5	\$1.1	-91.9
Less estimated 10 CFR part 170 receipts	-12.9	-0.9	-93.0
Net 10 CFR part 171 resources	0.6	0.2	-66.7
Allocated generic transportation	N/A	N/A	N/A
Fee-relief adjustment	-0.1	0.0	100
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	\$0.5	\$0.2	-60.0

In comparison to FY 2018, the FY 2019 budgeted resources for uranium recovery licensees decreased due to the transition of Wyoming to Agreement State status and subsequent realignment of the Uranium Mill Tailings Radiation Control Act (UMTRCA) program. In addition, budgeted resources decreased as a result of expanding the existing fee-relief category, “*In Situ* leach rulemaking and unregistered general licenses” to include additional Uranium Recovery activities in order to ensure equitability and the stability of annual fees.

The NRC regulates DOE’s Title I and Title II activities under UMTRCA⁵ and the proposed annual fee to DOE includes the costs specifically budgeted for the NRC’s UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted costs for this fee class. The DOE’s UMTRCA annual fee decreased slightly due to the budgeted resources reduction and an increase in estimated 10 CFR part 170 billings for work on the Atlantic Richfield review. The NRC assesses the remaining 90 percent of its budgeted costs to the remaining licensee in this fee class, as described in the work papers. This is reflected in Table XII as follows:

**TABLE XII. COSTS RECOVERED THROUGH ANNUAL FEES;
URANIUM RECOVERY FEE CLASS**

Summary of Costs:	FY 2018 Final Annual Fee	FY 2019 Proposed Annual Fee	Percentage Change
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses: UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	\$80,921	\$114,988	42.1

⁵ The Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for the weapons program. The NRC also regulates DOE’s UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

10 percent of generic/other uranium recovery budgeted costs	47,723	5,484	-88.5
10 percent of uranium recovery fee-relief adjustment	-6,724	-21	99.7
Total Annual Fee Amount for DOE (rounded)	122,000	120,000	-1.6
Annual Fee Amount for Other Uranium Recovery Licenses: 90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for UMTRCA Title I and Title II activities	429,509	49,355	-88.5
90 percent of uranium recovery fee-relief adjustment	-60,517	-192	99.7
Total Annual Fee Amount for Other Uranium Recovery Licenses	\$368,992	\$49,163	-86.7

Further, for the non-DOE licensees, the NRC continues to use a matrix to determine the effort levels associated with conducting the generic regulatory actions for the different licensees in this fee class; this is similar to the NRC's approach for fuel facilities, described previously.

The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: conventional uranium mills and heap leach facilities; uranium *In Situ* Recovery (ISR) and resin ISR facilities; and mill tailings disposal facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (for more information, see the work papers). Currently, there is only one remaining non-DOE licensee which is a Basic *In Situ* Recovery facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category:

TABLE XIII. BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee Category	Number of Licensees	Benefit Factor Per Licensee	Total Value	Benefit Factor Percent Total
Conventional and Heap Leach mills (2.A.(2)(a))	0	0	0	0
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	1	190	190	100.0
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	0	0	0	0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0	0	0	0
Total	1	190	190	100.0

The annual fee for the remaining non-DOE licensee is calculated by allocating 100 percent of the budgeted resources, as summarized in Table XIV.

**TABLE XIV. ANNUAL FEES FOR URANIUM RECOVERY LICENSEES
(Other than DOE)**

Facility Type (fee category)	FY 2018 Final Annual Fee	FY 2019 Proposed Annual Fee	Percentage Change
Conventional and Heap Leach mills (2.A.(2)(a))	\$38,800	N/A	-100
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	\$49,200	\$49,200	0
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	\$55,700	N/A	-100
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	\$22,000	N/A	-100
Uranium water treatment (2.A.(5))	\$6,500	N/A	-100

e. Research and Test Reactors (Non-power Reactors)

The NRC proposes to collect \$0.316 million in annual fees from the research and test reactor licensee class.

**TABLE XV. ANNUAL FEE SUMMARY CALCULATIONS FOR
RESEARCH AND TEST REACTORS**
[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total budgeted resources	\$2.009	\$1.293	-35.6
Less estimated 10 CFR part 170 receipts	-1.698	-1.006	-40.8
Net 10 CFR part 171 resources	0.311	0.287	-7.7
Allocated generic transportation	0.027	0.027	0.0
Fee-relief adjustment	-0.010	0.000	100
Billing adjustments	-0.003	0.002	166.7
Total required annual fee recovery	0.325	0.316	-2.8
Total research and test reactors	4	4	0.0
Total annual fee per reactor	\$0.0813	\$0.0790	-2.8

For this fee class, the budgeted resources decreased due to projected application delays within the medical isotope production facilities for Shine and NorthWest Medical Isotopes. The 10 CFR part 170 estimated billings also decreased due to projected application delays within the medical isotope production facilities for Shine and NorthWest, offset by an increase in activity for Aerotest's startup inspection and license renewal application. The proposed FY 2019 annual fee decreased due to a

decrease in budgeted resources, offset by a decline in estimated 10 CFR part 170 billings.

The required annual fee-recovery amount is divided equally among the four research and test reactors subject to annual fees and results in an FY 2019 annual fee of \$79,000 for each licensee.

f. Rare Earth

The NRC has not allocated any budgeted resources to this fee class; therefore, the NRC is not proposing an annual fee in FY 2019.

g. Materials Users

The NRC proposes to collect \$36.5 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70.

TABLE XVI. ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total budgeted resources for licensees not regulated by Agreement States	\$32.1	\$36.0	12.1
Less estimated 10 CFR part 170 receipts	-0.9	-1.0	11.1
Net 10 CFR part 171 resources	31.1	35.0	12.5
Allocated generic transportation	1.3	1.3	0.0
Fee-relief adjustment/LLW surcharge	0.0	0.2	100.0
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	\$32.4	\$36.5	12.7

The annual fee for these categories of materials users' licenses is developed as follows: Annual Fee = Constant x [Application Fee + (Average Inspection Cost / Inspection Priority)] + Inspection Multiplier x (Average Inspection Cost / Inspection Priority) + Unique Category Costs. The total annual fee recovery of \$36.5 million proposed for FY 2019 shown in Table XVI consists of the following: \$28.6 million for general costs, \$7.5 million for inspection costs, \$0.2 million for unique costs for medical licenses and \$0.2 million for fee relief/LLW costs. To equitably and fairly allocate the \$36.5 million required to be collected among approximately 2,600 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee-calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The NRC proposes to both increase and decrease annual fees for licensees in this fee class in FY 2019 due to the results of the biennial review of fees. This analysis examines the actual hours spent in previous years performing licensing actions and then estimates the average professional staff hours that are needed to process similar licensing actions multiplied by the proposed professional hourly rate for FY 2019.

The constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of \$28.6 million. To derive the constant multiplier, the general cost amount is divided by the product of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 1.33 for

FY 2019. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of \$278. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established in order to recover the \$7.5 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the product of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.44 for FY 2019. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2019, unique category costs include approximately \$0.2 million in budgeted costs for the implementation of revised 10 CFR part 35, “Medical Use of Byproduct Material,” which has been allocated to holders of NRC human-use licenses. Please see the work papers for more detail about this classification.

The annual fee assessed to each licensee also includes a share of the approximately \$0.006 million fee-relief credit assessment allocated to the materials users fee class (see Table IV, “Allocation of Fee-Relief Adjustment and LLW Surcharge, FY 2019,” in Section IV, “Discussion,” of this document), and for certain categories of these licensees, a share of the approximately \$0.2 million LLW surcharge costs allocated to the fee class. The proposed annual fee for each fee category is shown in the proposed revision to § 171.16(d).

h. Transportation

The NRC proposes to collect \$1.2 million in annual fees to recover generic transportation budgeted resources. The FY 2018 values are shown for comparison purposes.

**TABLE XVII. ANNUAL FEE SUMMARY CALCULATIONS
FOR TRANSPORTATION**

[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Proposed	Percentage Change
Total Budgeted Resources	\$7.9	\$8.0	1.3
Less Estimated 10 CFR part 170 Receipts	-3.1	-3.3	6.5
Net 10 CFR part 171 Resources	4.7	4.7	0.0
Less Generic Transportation Resources	-3.6	-3.6	0.0
Fee-relief adjustment/LLW surcharge	0.0	0.0	0.0
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	\$1.1	\$1.2	9.1

In comparison to FY 2018, the total budgeted resources for FY 2019 for generic transportation activities increased slightly due to an increase in the Certificates of Compliance (CoCs) for DOE (from 21 to 22) and an increased workload.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE by including those costs in the annual fees for licensee fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A. for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered. The proposed annual fee increase for DOE is mainly due an increase in CoCs from 21 in FY 2018 to 22 in FY 2019.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Note that for the research and test reactors fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although four CoCs

benefit the entire research and test reactor class, only 4 out of 31 research and test reactors are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to research and test reactors annual fees has been adjusted to 0.5 so the research and test reactors subject to annual fees are charged a fair and equitable portion of the total. For more information, see the work papers.

**TABLE XVIII. DISTRIBUTION OF TRANSPORTATION RESOURCES,
FY 2019 [Dollars in millions]**

Licensee Fee Class/DOE	Number of CoCs Benefiting Fee Class or DOE	Percentage of Total CoCs	Allocated Generic Transportation Resources
Materials Users	24.0	26.8	\$1.3
Operating Power Reactors	5.0	5.6	0.3
Spent Fuel Storage/Reactor Decommissioning	14.0	15.6	0.7
Research and Test Reactors	0.5	0.6	0.0
Fuel Facilities	24.0	26.8	1.3
Sub-Total of Generic Transportation Resources	67.5	75.4	3.6
DOE	22.0	24.6	1.2
Total	89.5	100.0	\$4.7

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2019 — Policy Changes

The NRC proposes two policy changes for FY 2019:

Changes to Small Materials Users Fee Categories for Locations of Use

The NRC proposes to add one new fee subcategory under § 170.31, “Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses,” and § 171.16, “Annual fees: materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.” Generally speaking, § 170.31 assigns the same fee to each licensee in the fee category, regardless of the amount of locations that the licensee is authorized to use. Yet for some of these fee categories, the NRC determined that it spends a disproportionate amount of time on licensees with six or more locations compared to licensees in the same fee category with fewer than six locations. Previously—in the FY 2015 final fee rule—the NRC therefore added three fee subcategories under one fee category, 3.L. (research and development broad scope). And in the FY 2018 final fee rule, the NRC added seven fee subcategories under, 3.A., 3.B., 3.C., 3.O., 3.P., 7.A. and 7.B. for licenses with six or more locations of use. For the FY 2019 fee rule, the NRC determined that there is one more category of licenses that is affected. Accordingly, the NRC proposes to add subcategories to this fee category:

- Medical licenses under fee category 7.C.

To more accurately reflect the cost of services provided by the NRC, this change would result in this fee category having subcategories for 1-5, 6-20, and more than 20 locations of use.

Eliminate a Fee Category

In response to comments received on the FY 2018 proposed fee rule, the NRC proposes to eliminate a fee category in §§ 170.31 and 171.16. The fee category is 2.A.(5)—Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water.

Under current NRC regulations, an entity that removes uranium from drinking water at community water systems is viewed as a “2.A.(5) fee category” licensee for fee purposes.

Although the licensee recovers sufficient quantities of uranium to require an NRC license (or a license from an Agreement State), its licensed material is not sold for profit; rather, the licensed material is a waste product from its water treatment process. These types of “uranium recovery” licensees are therefore distinguishable from those licensees that profit from concentrating uranium as source material. The NRC believes that full cost recovery is not warranted for licensees that do not profit from concentrating uranium. Therefore, the NRC proposes to eliminate this fee category from §§ 170.31 and 171.16 and reclassify current and future licensees under this category to 2.F.—All other source material licenses.

FY 2019 — Administrative Changes

The NRC also proposes to make an administrative change:

Change Small Entity Fees

The NRC conducted a biennial review in FY 2019 of small entity fees to determine whether the NRC should change those fees. The NRC used the fee methodology, developed in FY 2009, which applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users’ fees when performing its biennial review. Based on this methodology, the NRC determined the new small entity fees for

FY 2019 should be \$4,500 for upper-tier small entities and \$900 for lower-tier small entities. As a result of the NRC's FY 2019 biennial review using the same methodology, the NRC is now proposing to increase the upper tier small entity fee from \$4,100 to \$4,500 and increase the lower-tier fee from \$850 to \$900. This would constitute a 13-percent and 6-percent increase, respectively. The NRC believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

Update to the Fees Transformation Initiative

As an informal update, the Staff Requirements Memorandum, dated October 19, 2016, for SECY-16-0097, "Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule," directed staff to explore, as a voluntary pilot, whether a flat fee structure could be established for routine licensing matters in the area uranium recovery, and to accelerate the fees setting process improvements including the transition to an electronic billing system. With respect to the voluntary flat fees pilot, the staff has developed a project plan and is on target to complete this activity in FY 2020. With respect to the fees setting process improvements, all 7 of the activities scheduled for FY 2018 and an additional 10 scheduled for FY 2019 were completed by the end of FY 2018. These improvements included discontinuing the Project Manager/Resident inspector 6 percent overhead charge, enhancing the information included on the 10 CFR part 170 invoices, improving the fee rule work papers, and enhancing the financial management systems. For the remaining process changes recommended for future consideration, the NRC is well-positioned to complete them on schedule. For more information, please see our fees transformation accomplishments schedule, located on our license fees Web site at: <https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html>.

V. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),⁶ the NRC has prepared a regulatory flexibility analysis related to this proposed rule. The regulatory flexibility analysis is available as indicated in Section XIV, Availability of Documents, of this document.

VI. Regulatory Analysis

Under OBRA-90, the NRC is required to recover approximately 90 percent of its budget authority in FY 2019. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978, and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery in OBRA-90.

In this rulemaking, the NRC continues this long-standing approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this proposed rule.

VII. Backfitting and Issue Finality

The NRC has determined that the backfit rule, § 50.109, does not apply to this proposed rule and that a backfit analysis is not required. A backfit analysis is not required because these amendments do not require the modification of, or addition to, systems, structures, components, or the design of a facility, or the design approval or

⁶ 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 847 (1996).

manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on the proposed rule with respect to the clarity and effectiveness of the language used.

IX. National Environmental Policy Act

The NRC has determined that this rule will amend the NRC’s administrative requirements in 10 CFR parts 170 and 171. Therefore, this action is categorically excluded from needing environmental review as described in § 51.22(c)(1). Consequently, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

X. Paperwork Reduction Act

This proposed rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XI. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC proposes to amend the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover approximately 90 percent of its budget authority in FY 2019, as required by OBRA-90. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XII. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the “Small Entity Compliance Guide” for the FY 2019 proposed fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2019. This guide is available as indicated in Section XIV, Availability of Documents, of this document.

XIII. Public Meeting

The NRC will conduct a public meeting for the purpose of describing the proposed rule and answering questions from the public on the proposed rule. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting Web site within at least 10 calendar days before the meeting. In addition, the agenda for the meeting will be posted on www.regulations.gov under Docket ID **NRC-2017-0032**. For instructions to receive alerts when changes or additions occur in a docket folder, see Section XIV, Availability of Documents, of this document.

Stakeholders should monitor the NRC's public meeting Web site for information about the public meeting at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK
FY 2019 Proposed Rule Work Papers	ML18361A780.
FY 2019 Regulatory Flexibility Analysis	ML18347A452.
FY 2019 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML18338A006.
NRC Form 526, Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR part 171	http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf .
SECY-05-0164, "Annual Fee Calculation Method," dated September 15, 2005	ML052580332.
OMB's Circular A-25, "User Charges"	https://www.whitehouse.gov/omb/circulars_default .
Fees Transformation Accomplishments	https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html .

Throughout the development of this rule, the NRC may post documents related to this rule, including public comments, on the Federal Rulemaking Web site at <http://www.regulations.gov> under Docket ID **NRC-2017-0032**. The Federal Rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder **NRC-2017-0032**; 2) click the “Sign up for E-mail Alerts” link; and 3) enter your e-mail address and select how frequently you would like to receive e-mails (daily, weekly, or monthly).

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 170 and 171:

**PART 170 -- FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT
LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY
ACT OF 1954, AS AMENDED**

1. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

2. In § 170.21, in the table revise the entry for “K. Import and export licenses;” to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

<p>Facility categories and type of fees</p> <p>* * * * *</p>	<p>Fees¹</p>
<p>K. Import and export licenses:¹</p> <p>Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.</p> <p>1. Application for import or export of production or utilization facilities⁴ (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).</p> <p>Application -- new license, or amendment; or license exemption request</p>	<p>N/A</p>

2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a). Application -- new license, or amendment; or license exemption request	N/A
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances. Application -- new license, or amendment; or license exemption request	N/A
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances. Application -- new license, or amendment; or license exemption request	N/A
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities. Minor amendment to license	N/A

¹ Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

3. In § 170.31, revise the table to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees ¹	Fee ^{2, 3}
1. Special nuclear material ¹¹ : A. (1) Licenses for possession and use of U-235 or plutonium	

for fuel fabrication activities. (a) Strategic Special Nuclear Material (High Enriched Uranium) ⁶ [Program Code(s): 21213]	Full Cost
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel ⁶ [Program Code(s): 21210]	Full Cost
(2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities. ⁶ (a) Facilities with limited operations ⁶ [Program Code(s): 21240, 21310, 21320]	Full Cost
(b) Gas centrifuge enrichment demonstration facilities. ⁶ [Program Code(s): 21205]	Full Cost
(c) Others, including hot cell facilities. ⁶ [Program Code(s): 21130, 21133]	Full Cost
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) ⁶ [Program Code(s): 23200]	Full Cost
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. ⁴ Application [Program Code(s): 22140]	\$1,300
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. ⁴ Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	\$2,600
E. Licenses or certificates for construction and operation of a uranium enrichment facility ⁶ [Program Code(s): 21200]	Full Cost
F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities. ^{4,6} [Program Code(s): 22155]	Full Cost
2. Source material ¹¹ : A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. ⁶ [Program Code(s): 11400]	Full Cost

(2) Licenses for possession and use of source material in recovery operations such as milling, <i>in-situ</i> recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode. ⁶ (a) Conventional and Heap Leach facilities ⁶ [Program Code(s): 11100]	Full Cost
(b) Basic <i>In Situ</i> Recovery facilities ⁶ [Program Code(s): 11500]	Full Cost
(c) Expanded <i>In Situ</i> Recovery facilities ⁶ [Program Code(s): 11510]	Full Cost
(d) <i>In Situ</i> Recovery Resin facilities ⁶ [Program Code(s): 11550]	Full Cost
(e) Resin Toll Milling facilities ⁶ [Program Code(s): 11555]	Full Cost
(f) Other facilities ⁶ [Program Code(s): 11700]	Full Cost
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) ⁶ [Program Code(s): 11600, 12000]	Full Cost
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) ⁶ [Program Code(s): 12010]	Full Cost
B. Licenses which authorize the possession, use, and/or installation of source material for shielding. ^{7, 8} Application [Program Code(s): 11210]	\$1,200
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. Application [Program Code(s): 11240]	\$4,300
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231]	\$2,800
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. Application [Program Code(s): 11710]	

	\$2,600
F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$2,600
3. Byproduct material ¹¹ : A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 03211, 03212, 03213]	\$13,000
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04010, 04012, 04014]	\$17,300
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04011, 04013, 04015]	\$21,600
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 03214, 03215, 22135, 22162]	\$3,600
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04110, 04112, 04114, 04116]	\$4,800
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04111, 04113, 04115, 04117]	\$5,900
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material.	\$5,200

<p>This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. Application [Program Code(s): 02500, 02511, 02513]</p>	
<p>(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. Application [Program Code(s): 04210, 04212, 04214]</p>	\$6,900
<p>(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20. Application [Program Code(s): 04211, 04213, 04215]</p>	\$8,600
D. [Reserved]	N/A
<p>E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units). Application [Program Code(s): 03510, 03520]</p>	\$3,200
<p>F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03511]</p>	\$6,500
<p>G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03521]</p>	\$62,000
<p>H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of</p>	\$6,600

<p>part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.</p> <p>Application [Program Code(s): 03254, 03255, 03257]</p>	
<p>I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.</p> <p>Application [Program Code(s): 03250, 03251, 03252, 03253, 03256]</p>	\$11,600
<p>J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.</p> <p>Application [Program Code(s): 03240, 03241, 03243]</p>	\$2,000
<p>K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.</p> <p>Application [Program Code(s): 03242, 03244]</p>	\$1,100
<p>L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1-5.</p> <p>Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]</p>	\$5,500
<p>(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6-20.</p> <p>Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]</p>	\$7,300

<p>(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]</p>	\$9,100
<p>M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution. Application [Program Code(s): 03620]</p>	\$8,300
<p>N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C. Application [Program Code(s): 03219, 03225, 03226]</p>	\$8,900
<p>O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 1-5. Application [Program Code(s): 03310, 03320]</p>	\$6,300
<p>(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6-20. Application [Program Code(s): 04310, 04312]</p>	\$8,500
<p>(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: more than 20. Application [Program Code(s): 04311, 04313]</p>	\$10,600
<p>P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.⁹ Number of locations of use: 1-5. Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130]</p>	\$4,700
<p>(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.⁹ Number of locations of use: 6-20. Application [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]</p>	\$6,300
<p>(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.⁹ Number of locations of use: more than 20. Application [Program Code(s): 04411, 04413, 04415,</p>	\$7,900

04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	
Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration	\$700
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section. ⁵ 1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified. Application [Program Code(s): 02700]	\$2,600
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4), or (5). Application [Program Code(s): 02710]	\$2,500
S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210]	\$14,200
4. Waste disposal and processing ¹¹ : A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]	Full Cost
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03234]	\$6,900
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03232]	\$5,000
5. Well logging ¹¹ : A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	\$4,600

Application [Program Code(s): 03110, 03111, 03112]	
B. Licenses for possession and use of byproduct material for field flooding tracer studies. Licensing [Program Code(s): 03113]	Full Cost
6. Nuclear laundries ¹¹ : A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. Application [Program Code(s): 03218]	\$22,200
7. Medical licenses ¹¹ : A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 1-5. Application [Program Code(s): 02300, 02310]	\$11,100
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 6-20. Application [Program Code(s): 04510, 04512]	\$14,800
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: more than 20. Application [Program Code(s): 04511, 04513]	\$18,500
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1-5. Application [Program Code(s): 02110]	\$8,700
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6-20. Application [Program Code(s): 04710]	\$11,500
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human	

<p>use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04711]</p>	\$14,400
<p>C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.¹⁰ Number of locations of use: 1-5.</p> <p>Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]</p>	\$6,600
<p>(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.¹⁰ Number of locations of use: 6-20.</p> <p>Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]</p>	\$8,700
<p>(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.¹⁰ Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]</p>	\$10,900
<p>8. Civil defense¹¹:</p> <p>A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.</p> <p>Application [Program Code(s): 03710]</p>	\$2,600
<p>9. Device, product, or sealed source safety evaluation:</p> <p>A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.</p> <p>Application -- each device</p>	\$10,800
<p>B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices.</p> <p>Application -- each device</p>	\$9,000
<p>C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.</p> <p>Application -- each source</p>	\$5,300

D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel. Application -- each source	\$1,100
10. Transportation of radioactive material: A. Evaluation of casks, packages, and shipping containers. 1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost
2. Other Casks	Full Cost
B. Quality assurance program approvals issued under part 71 of this chapter. 1. Users and Fabricators. Application	\$4,200
Inspections	Full Cost
2. Users. Application	\$4,200
Inspections	Full Cost
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost
11. Review of standardized spent fuel facilities.	Full Cost
12. Special projects: Including approvals, pre-application/licensing activities, and inspections. Application [Program Code: 25110]	Full Cost
13. A. Spent fuel storage cask Certificate of Compliance.	Full Cost
B. Inspections related to storage of spent fuel under § 72.210 of this chapter.	Full Cost
14. Decommissioning/Reclamation ¹¹ A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200]	Full Cost
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost
15. Import and Export licenses: ¹² Licenses issued under part 110 of this chapter for the import and	

<p>export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).</p> <p>A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b).</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (i.e., Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.).</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances.</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances.</p> <p>Application -- new license, or amendment; or license exemption request.</p>	N/A
<p>E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.</p> <p>Minor amendment</p>	N/A
<p>Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.).</p> <p><i>Category 1 (Appendix P, 10 CFR Part 110) Exports:</i></p> <p>F. Application for export of appendix P Category 1 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain one government-to-government consent for this process. For additional</p>	

consent see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A
G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A
H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A
I. Requests for each additional government-to-government consent in support of an export license application or active export license. Application -- new license, or amendment; or license exemption request	N/A
<i>Category 2 (Appendix P, 10 CFR Part 110) Exports:</i> J. Application for export of appendix P Category 2 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)). Application -- new license, or amendment; or license exemption request	N/A
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review. Application -- new license, or amendment; or license exemption request	N/A
L. Application for the export of Category 2 materials. Application -- new license, or amendment; or license exemption request	N/A
M. [Reserved]	N/A
N. [Reserved]	N/A
O. [Reserved]	N/A
P. [Reserved]	N/A
Q. [Reserved]	N/A
<i>Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):</i> R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized	

for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities.	
Minor amendment	N/A
16. Reciprocity: Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20. Application	\$2,100
17. Master materials licenses of broad scope issued to Government agencies. Application [Program Code(s): 03614]	Full Cost
18. Department of Energy. A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities.	Full Cost

¹ *Types of fees* - Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

² Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (e.g., 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval,

safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

³ Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

⁴ Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

⁵ Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

⁶ Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

⁷ Licensees paying fees under 3.C., 3.C.1, or 3.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.

⁸ Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

⁹ Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

¹⁰ Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

¹¹ A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full-cost fees under 10 CFR part 170, but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

¹² Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

PART 171 -- ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE

LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF

CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE

PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

4. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

5. In § 171.15, revise paragraphs (b)(1) and (2) introductory text, (c)(1) and (2) introductory text, (d)(1) introductory text, (d)(2) and (3), and (f) to read as follows:

§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

* * * *

(b)(1) The FY 2019 annual fee for each operating power reactor that must be collected by September 30, 2019, is \$4,697,000.

(2) The FY 2019 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (fee-relief adjustment). The activities comprising the spent fuel storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2019 base annual fee for operating power reactors are as follows:

* * * *

(c)(1) The FY 2019 annual fee for each power reactor holding a 10 CFR part 50 license that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is \$163,000.

(2) The FY 2019 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section) and a fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2019 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * *

(d)(1) The fee-relief adjustment allocated to annual fees includes a surcharge for the activities listed in paragraph (d)(1)(i) of this section, plus the amount remaining after

total budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section are reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section for a given fiscal year, annual fees will be reduced. The activities comprising the FY 2019 fee-relief adjustment are as follows:

* * * * *

(2) The total FY 2019 fee-relief adjustment allocated to the operating power reactor class of licenses is a \$132,181 fee-relief credit, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2019 operating power reactor fee-relief adjustment to be assessed to each operating power reactor is approximately a \$1,349 fee-relief credit. This amount is calculated by dividing the total operating power reactor fee-relief credit, \$132,181, by the number of operating power reactors (98).

(3) The FY 2019 fee-relief adjustment allocated to the spent fuel storage/reactor decommissioning class of licenses is a \$7,163 fee-relief credit. The FY 2019 spent fuel storage/reactor decommissioning fee relief adjustment to be assessed to each operating power reactor, each power reactor in decommissioning or possession-only status that has spent fuel onsite, and to each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is a \$58.71 fee-relief credit. This amount is calculated by dividing the total fee-relief credit by the total number of power reactors licenses, except those that permanently ceased operations and have no fuel onsite, and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license.

* * * * *

(f) The FY 2019 annual fees for licensees authorized to operate a research or test (non-power) reactor licensed under 10 CFR part 50, unless the reactor is exempted from fees under § 171.11(a), are as follows:

Research reactor	\$79,000
Test reactor	\$79,000

6. In § 171.16, revise paragraphs (c), (d), and (e) introductory text to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

NRC Small Entity Classification	Maximum Annual Fee Per Licensed Category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over last 3 completed fiscal years):	
\$485,000 to \$7 million	\$4,500
Less than \$485,000	\$900

Small Not-For-Profit Organizations (Annual Gross Receipts): \$485,000 to \$7 million	\$4,500
Less than \$485,000	\$900
Manufacturing Entities that Have An Average of 500 Employees or Fewer: 35 to 500 employees	\$4,500
Fewer than 35 employees	\$900
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population): 20,000 to 49,999	\$4,500
Fewer than 20,000	\$900
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer 35 to 500 employees	\$4,500
Fewer than 35 employees	\$900

(d) The FY 2019 annual fees are comprised of a base annual fee and an allocation for fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown for convenience in paragraph (e) of this section. The FY 2019 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in the following table:

**SCHEDULE OF MATERIALS ANNUAL FEES
AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC
[See footnotes at end of table]**

Category of materials licenses	Annual fees ^{1, 2, 3}
1. Special nuclear material: A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities. (a) Strategic Special Nuclear Material (High Enriched Uranium) ¹⁵ [Program Code(s): 21130]	\$6,679,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel ¹⁵ [Program Code(s): 21210]	\$2,263,000
(2) All other special nuclear materials licenses not included in Category	N/A

1.A.(1) which are licensed for fuel cycle activities. (a) Facilities with limited operations ¹⁵ [Program Code(s): 21310, 21320]	
(b) Gas centrifuge enrichment demonstration facility ¹⁵	N/A
(c) Others, including hot cell facility ¹⁵	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) ^{11,15} [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	\$2,900
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	\$7,500
E. Licenses or certificates for the operation of a uranium enrichment facility ¹⁵ [Program Code(s): 21200]	\$3,283,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel cycle activities. ⁴ [Program Code: 22155]	\$5,500
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. ¹⁵ [Program Code: 11400]	\$1,418,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode. (a) Conventional and Heap Leach facilities. ¹⁵ [Program Code(s): 11100]	N/A
(b) Basic <i>In Situ</i> Recovery facilities. ¹⁵ [Program Code(s): 11500]	\$49,200
(c) Expanded <i>In Situ</i> Recovery facilities ¹⁵ [Program Code(s): 11510]	N/A
(d) <i>In Situ</i> Recovery Resin facilities. ¹⁵ [Program Code(s): 11550]	⁵ N/A
(e) Resin Toll Milling facilities. ¹⁵ [Program Code(s): 11555]	⁵ N/A
(3) Licenses that authorize the receipt of byproduct material, as defined	

in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4). ¹⁵ [Program Code(s): 11600, 12000]	⁵ N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2). ¹⁵ [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding. ^{16,17} Application [Program Code(s): 11210]	\$3,100
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	\$7,900
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231]	\$6,100
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	\$7,400
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$9,500
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	\$28,800
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 03211, 03212, 03213]	\$38,300
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04011, 04013, 04015]	\$47,600
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items	

containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03214, 03215, 22135, 22162]	\$11,800
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04110, 04112, 04114, 04116]	\$15,600
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04111, 04113, 04115, 04117]	\$19,200
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	\$11,000
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	\$14,500
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20. [Program Code(s): 04211, 04213, 04215]	\$18,000
D. [Reserved]	⁵ N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units) [Program Code(s): 03510, 03520]	\$11,900
F. Licenses for possession and use of less than or equal to 10,000 curies	\$11,100

of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03521]	\$88,200
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03254, 03255, 03257]	\$10,900
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03250, 03251, 03252, 03253, 03256]	\$17,600
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03240, 03241, 03243]	\$4,300
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03242, 03244]	\$3,100
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1-5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	\$15,500

(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6-20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	\$20,600
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	\$25,500
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution [Program Code(s): 03620]	\$15,200
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C. [Program Code(s): 03219, 03225, 03226]	\$18,900
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license Number of locations of use: 1-5. [Program Code(s): 03310, 03320]	\$30,200
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 6-20. [Program Code(s): 04310, 04312]	\$40,400
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: more than 20. [Program Code(s): 04311, 04313]	\$50,400
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: 1-5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	\$10,000
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: 6-20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	\$13,400
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: more than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419,	

04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	\$16,700
Q. Registration of devices generally licensed under part 31 of this chapter	¹³ N/A
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section: ¹⁴ (1). Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	\$7,200
(2). Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	\$7,500
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	\$31,000
4. Waste disposal and processing: A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	\$32,900
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03234]	\$18,700
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03232]	\$10,700
5. Well logging: A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. [Program Code(s): 03110, 03111, 03112]	\$14,600
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	⁵ N/A
6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated	

with byproduct material, source material, or special nuclear material. [Program Code(s): 03218]	\$35,600
7. Medical licenses: A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 1-5. [Program Code(s): 02300, 02310]	\$26,100
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 6-20. [Program Code(s): 04510, 04512]	\$34,700
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: more than 20. [Program Code(s): 04511, 04513]	\$43,400
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 1-5. [Program Code(s): 02110]	\$31,800
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 6-20. [Program Code(s): 04710]	\$42,200
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in	\$52,500

teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: more than 20. [Program Code(s): 04711]	
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: 1-5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	\$15,400
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: 6-20. [Program Code(s):]	\$20,300
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: more than 20. [Program Code(s):]	\$25,300
8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. [Program Code(s): 03710]	\$7,200
9. Device, product, or sealed source safety evaluation: A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	\$14,300
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	\$11,900
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	\$7,000
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	\$1,500

10. Transportation of radioactive material: A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers. 1. Spent Fuel, High-Level Waste, and plutonium air packages 2. Other Casks	⁶ N/A ⁶ N/A
B. Quality assurance program approvals issued under part 71 of this chapter. 1. Users and Fabricators 2. Users	⁶ N/A ⁶ N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	⁶ N/A
11. Standardized spent fuel facilities	⁶ N/A
12. Special Projects [Program Code(s): 25110]	⁶ N/A
13. A. Spent fuel storage cask Certificate of Compliance	⁶ N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	¹² N/A
14. Decommissioning/Reclamation: A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200]	^{7,20} N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	⁷ N/A
15. Import and Export licenses	⁸ N/A
16. Reciprocity	⁸ N/A
17. Master materials licenses of broad scope issued to Government agencies. ¹⁵ [Program Code(s): 03614]	\$330,000
18. Department of Energy: A. Certificates of Compliance	¹⁰ \$1,169,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	\$120,000

¹ Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one

activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

² Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

³ Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the *Federal Register* for notice and comment.

⁴ Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

⁵ There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

⁶ Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

⁷ Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

⁸ No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

⁹ Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.A, 7.A.1, 7.A.2, 7.B., 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2.

¹⁰ This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.

¹¹ See § 171.15(c).

¹² See § 171.15(c).

¹³ No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

¹⁴ Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

¹⁵ Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.

¹⁶ Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

¹⁷ Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

¹⁸ Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

¹⁹ Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

²⁰ No annual fee is charged for a materials license (or part of a materials license) that has transitioned to this fee category because the decommissioning costs will be recovered through 10 CFR part 170 fees, but annual fees may be charged for other activities authorized under the license that are not in decommissioning status.

(e) The fee-relief adjustment allocated to annual fees includes the budgeted resources for the activities listed in paragraph (e)(1) of this section, plus the total budgeted resources for the activities included in paragraphs (e)(2) and (3) of this section, as reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted

resources for the activities included in paragraphs (e)(2) and (3) of this section for a given fiscal year, a negative fee-relief adjustment (or annual fee reduction) will be allocated to annual fees. The activities comprising the FY 2019 fee-relief adjustment are as follows:

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Dated at Rockville, Maryland, this 11th day of January, 2019.

For the Nuclear Regulatory Commission.

Maureen E. Wylie,
Chief Financial Officer.

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